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FOLEY & LARDNER
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In re Application of
KISHIMOTO et al
Application No.: 08/817,507
PCT No.: PCT/JP95/02169
Int. Filing Date: 20 October 1995
Priority Date: 21 October 1994
Attorney's Docket No.: 53466/201
For: PHARMACEUTICAL COMPOSITION FOR
TREATMENT OF DISEASES CAUSED
BY IL-6 PRODUCTION

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: **DECISION ON**
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: **PETITION**
:
: **UNDER 37 CFR 1.182**
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This is a decision on the petition filed 04 August 1997 under 37 CFR 1.182 requesting a change in the names of two of the inventors named in the international application. More specifically, requesting that the second listed inventor be changed from Tomoo Katsume to Asao Katsume and the third listed inventor be changed from Hirouki Saito to Hiroyuki Saito.

On 17 April 1997, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1); and an English translation of the international application. Applicants submitted a declaration executed by Tadamitsu Kishimoto, Asao Katsume, and Hiroyuki Saito.

On 02 June 1997, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for filing the oath or declaration later than 30 months from the priority date as required by 37 CFR 1.492(e) must be filed. The notification set a one month time limit in which to respond.

On 04 August 1997, applicants filed the present petition requesting that the names be changed. The petition request that the name of the second listed inventor be changed from Tomoo Katsume to Asao Katsume and the third listed inventor be changed from Hirouki Saito to Hiroyuki Saito. Applicants have stated that the Japanese symbols on the international application were incorrectly translated in Asao Katsume's name and that Hiroyuki was misspelled.

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The papers were accompanied by a statement from Takashi Ishida stating the following:

The second inventor's first name, Asao, is written in *kanji* (Chinese characters) . . . In the *kanji* . . . can be translated as either "Tomo" or "Asa".

In the request of the original PCT application, we have mistakenly translated as "Tomo", instead of translation as "Asa".

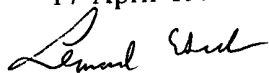
Regarding the third inventor, his last name on the original PCT application was indicated "Hirouki" by a typographical error when it should have been "Hiroyuki".

As indicated in Section 605.04(c) of the Manual of Patent Examining Procedure, a request to correct or otherwise change the indicated name of the inventor requires a petition under 37 CFR 1.182 accompanied by the appropriate petition fee. Applicants have authorized the charging of the \$130 petition fee to Deposit Account No. 19-0741 and have set forth adequate facts to warrant granting of the petition. Applicants' explanation of the differences in the inventors' names are accepted and noted for the record. The petition to accept the declaration with the name of the second listed inventor as Asao Katsume and the name of the third listed inventor as Hiroyuki Saito is GRANTED.

CONCLUSION

The petition to accept the declaration with the name of the second listed inventor as Asao Katsume and the name of the third listed inventor as Hiroyuki Saito is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the International Division for treatment in accordance with this decision, that is, for preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) indicating a 35 U.S.C. 371 and 102(e) date of 17 April 1997.



Leonard E. Smith
PCT Legal Examiner
PCT Legal Office

LES:ls
Telephone: (703) 308-6461
Facsimile: (703) 308-6459